UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,842	11/30/2000	Francis James Canova JR.	PALM-3520 . US . P	3911

7590 05/17/2006

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

EXAMINER	
ABDULSELAM, ABBAS I	

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/727,842	CANOVA, FRANCIS JAMES	
	Examiner	Art Unit	
	Abbas I. Abdulselam	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8 and 21-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-28* is/are allowed.

6)☒ Claim(s) *1-3,5-6,8,29 and 31-36* is/are rejected.

7)☒ Claim(s) *30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 03/03/06 with respect to claims 1-3, 5-6, 8, 29 and 31-36 are have been fully considered but they are not persuasive.

Applicant argues that the cited reference, Ho (USPN 6407757) and Kolb et al. (USPN 6028923) alone or in combination do no teach a user interface as part of a housing that houses the computer system.

However as shown in the art rejection below, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Ho's browsing device (740) in Fig. 7 by a device (1550) of Fig.15 for the purpose of browsing or scrolling through documents or any information stored in the computer (col. 23, lines 28-32).

In addition, it would have been obvious to one having ordinary skill in the art to integrally mount a browsing device (1550) in a browsing system (700) shown in Fig. 7, since it has been held to be within the general skill of a worker in the art to make plural parts unitary as a matter of obvious engineering choice. In re Larson, 144 USPQ 347 (CCPA 1965); In re Lockart, 90 USPQ 214 (CCPA 1951).

Furthermore, with respect to claim 29, Ho teaches the use of other data input devices, such as keyboards, keypads, and a computer mouse used with pull-down menus, etc., that may be used to accomplish the browsing functions (col. 11, lines 14-18). Hence Ho' teaching reads over the claim limitation, cursor control element.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Both Ho and Kolb teaches about user interfaces and one of ordinary skill in the art would have looked toward Kolb for the manner by which a user interface is configured

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-6, 8, 29 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (USPN 6407757) in view of Kolb et al. (USPN 6028923).

Regarding claims 1 and 29, Ho as shown in Fig.7 teaches a browsing device (740) sending signals through a bus (741) to a computer input port (730) and to a browsing /viewing software, (720), so as to effect operations on the screen (721) of the computer. Ho teaches a

conversion software (710) enabling to pre-convert a document (701) to be used in conjunction with a browsing device (740). See col. 25, lines 10-40 and Fig. 7. However, in Fig. 7,

Ho does not illustrate a user interface including "a plurality of flexible layers" fastened to each other along a single edge in a stack, and not fastened to each other along other edges.

On the other hand, Ho teaches as shown in Figs (15A-15C) a device (1500) which includes may thin, hard and flexible pieces of material (1501) bound together in a manner of a binding of pages in a book. See col. 33, lines 26-37. Further, Ho teaches that device (1500) has four buttons (1511-1514) on the top surface (1530), and four buttons (1531-1534) on the bottom surface (1530) serving as function buttons as shown in Fig. 15B.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Ho's browsing device (740) in Fig. 7 by a device (1550) of Fig.15 for the purpose of browsing or scrolling through documents or any information stored in the computer (col. 23, lines 28-32).

Furthermore, Ho teaches as shown in Fig. 2 an assembly (200) which is electrically and operatively connected to the computer (205) with left and right thumbs (172, 122) operating on the left and right sensor areas (171 and 121) respectively, such that thumbs apply the flipping force to the sensors (121, 171, col. 21, lines 1-3). Ho further adds that depending on the magnitude of the force applied with respect to flipping, different forms of display (600) can be created (col. 21, 11-67 and Fig. 6A).

Regarding claim 29, in addition to what has been described above, Ho teaches a computer-based process permitting different organizations of material corresponding to display format including organized pages that can be flipped. See col. 7, lines 22-43. Ho further teaches

a method of generating flipping pages from a document stored in some media on a personal computer such as lab tap. See col. 20, lines 29-33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lab tap as a personal computer for the purpose of organizing and incorporating the flipping technique. Ho teaches a browsing system 700 (FIG. 7) which is adapted to be used in conjunction with any software method that allows the reorganization of the material in the document involved to facilitate browsing/viewing. Ho cites the use of a mouse cum cursor method, such as; two or more pages in the document to be compared or parts of the document to be compared can all be brought together and displayed in the currently viewed page(s) (col. 34, lines 52-65).

Ho does not teach a user interface as being incorporated as part of a housing in a computer system.

Kolb on the other hand teaches a telecommunications user interface system which be implemented as an internal system 10a that is incorporated directly into the customer premises termination equipment 14 (e.g., telephone station or facsimile machine) (FIGS. 1 and 5), or in an external system 10b that is contained in a housing connected between a jack or connector 42 associated with the termination equipment 14 and a wall jack or connector 43 providing access to the telecommunications network (FIGS. 2-4, 6A, 6B, col. 6, lines 49-60)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Kolb's teaching of a user interface being an internal system (10a) as shown in Fig. 1 inside Ho's browsing system (700) as shown in Fig. 7 because the use of a user interface assist telecommunication enhancement as taught by Kolb (col. 1, lines 63-67).

Regarding claims 2 and 31, Ho discloses an open fan display for displaying pages used in conjunction with the flipping method (500) (Fig. 5A, 6A). Ho teaches that the flipping is to take place using at thumb (122). See col. 21, lines 12-23. It would have been obvious the flipping constituted separation of one page (602) from the other (603) and hence meets "the desired separation of a first flexible layer from a second flexible layer."

Regarding claims 3 and 32, Ho teaches as shown in the Fig. 14, a process by which the flipping display of Figs (13A-13B) is generated. Ho details flipping action with respect to moving points (1404, 1405) and arcs (1406) generated based on the equation illustrated in Fig. 14C. It would have been obvious the movement on the curve shown in Fig. 14 meets flexibility separation as well as contacting of pages.

Regarding claim 33, Ho teaches as shown in Fig. 13A a page (1301) bending as it is being flipped from right to left. See col. 32, lines 55-56.

Regarding claim 5, Ho teaches the position of the thumb (122) in the x direction on the sensor area as detected by the position sensors (121) on the slanted surface (120). See col. 13, lines 1-18.

Regarding claim 8 and 34-36, Ho discloses flip through the pages at varying speeds depending on the need to view the material in the book. See col. 2, lines 37-42.

Regarding claim 6, Ho teaches that teaches a computer-based process in which organization of materials are used including organizing into pages that can be flipped through page by page from right to left or vise versa. See col. 7, lines 21-30. It would have been obvious

that such a flip maintains the order of the pages and hence meets the desired order in which flexible layers are moved.

Allowable Subject Matter

4. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 21-28 are allowed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulselam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulselam

Examiner

Art Unit 2629

May 9, 2006

RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600